



Miami-Dade Legislative Item File Number: 120271

File Number: 120271	File Type: Resolution	Status: Adopted
Version: 0	Reference: R-254-12	Control: County Commission
File Name: CALL SPECIAL ELECTION AMEND CHARTER - TERM LIMITS		
Requester: NONE	Cost:	Introduced: 2/8/2012
Agenda Date: 3/8/2012		Final Action: 3/8/2012
		Agenda Item Number:

Notes: SPECIAL ITEM NO. 3

Title: RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COUNTY COMMISSIONERS SHALL SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE EXCLUDING TERMS OF SERVICE PRIOR TO 2012

Indexes: SPECIAL ELECTION
TERM LIMITS

Sponsors: Rebeca Sosa ,Co-Prime Sponsor
Lynda Bell ,Co-Prime Sponsor
Esteban L. Bovo, Jr. ,Co-Prime Sponsor
Jean Monestime ,Co-Sponsor

Sunset Provision: No

Effective Date:

Expiration Date:

Registered Lobbyist: None Listed

LEGISLATIVE HISTORY

Acting Body	Date	Agenda Item Action	Sent To	Due Date Returned	Pass/Fail
Board of County Commissioners	3/8/2012	Special Item 3	Adopted		P

REPORT: County Attorney Robert Cuevas read into the record the title of the foregoing resolution. It was moved by Commissioner Bell that the Board adopt the following resolution. This motion was seconded by Commissioner Sosa; and upon being put to a vote, the motion failed by a vote of 4-8 (Commissioners Bovo, Diaz, Edmonson, Heyman, Monestime, Moss, Sosa, and Chairman Martinez voted no). (Commissioner Souto was absent) It was moved by Commissioner Barreiro that the County Commission place a ballot question on the November 2012 ballot that would amend the Home Rule Charter to establish term limits to have county commissioners serve one term in office for a period of one year. This motion was seconded by Chairman Martinez, and the floor was opened for discussion. Commissioner Barreiro explained his motion, and he clarified that elected officials subject to term limits would begin to look for other opportunities before their term ended. Therefore, county commissioners would not serve their office term diligently. Chairman Martinez concurred with Commissioner Barreiro, and he expressed his concern for the issue of County government possibly falling under the control of lobbyists and the County administration if term limits were imposed on county commissioners. Commissioner Barreiro withdrew his motion. Commissioner Diaz explained his vote, noting that he voted in support of his constituents. However, he did not agree with term limits and would campaign against them. In response to County Attorney Cuevas' request for clarification on the motion on the table, Chairman Martinez advised Commissioner Barreiro had withdrawn his motion. Commissioner Jordan recommended that a study be conducted on the impact of term limits on the Florida Legislature to enlighten the public on how it stripped the Legislature of its institutional knowledge and led to governance by lobbyists. She expressed concern that the special interest groups supporting term limits had financial resources that the County Commission did not have to campaign for this issue. In response to Commissioner Jordan's question regarding the timeframe to continue working on Charter amendment ballot questions, County Attorney Cuevas advised the County Commission still had time to place additional questions on the November 6, 2012, ballot. There being no other questions or comments, the Board proceeded to vote.

County Attorney	2/8/2012	Assigned Oren Rosenthal	2/15/2012
County Attorney	2/8/2012	Referred Infrastructure and Land Use Committee	3/8/2012

LEGISLATIVE TEXT

TITLE

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COUNTY COMMISSIONERS SHALL SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE EXCLUDING TERMS OF SERVICE PRIOR TO 2012

BODY

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with the General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
RELATING TO TERM LIMITS OF COUNTY COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT COUNTY COMMISSIONERS SHALL SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE EXCLUDING TERMS OF SERVICE PRIOR TO 2012?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

OTHER

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-31

ELECTIONS

Section 3.01 ELECTION AND COMMENCEMENT
OF TERMS OF COUNTY
COMMISSIONERS.

* * *

>>E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four-year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.<<

1Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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